

1 AMELIA ANN ALBANO, CITY ATTORNEY
 State Bar No. 103650
 2 CAROL A. HUMISTON, SR. ASST. CITY ATTY
 State Bar No. 115592
 3 275 East Olive Avenue
 P. O. Box 6459
 4 Burbank, CA 91510
 Tel: 818.238.5707; Fax: 818.238.5724

5 LINDA MILLER SAVITT (SBN 94164)
 E-mail: lsavitt@brgslaw.com
 6 BALLARD ROSENBERG GOLPER & SAVITT, LLP
 7 500 North Brand Boulevard, 20th Floor
 Glendale, CA 91203
 8 Tel: 818.508.3700; Fax 818.506.4827

9 RONALD F. FRANK (SBN 109076)
 E-mail: rfrank@bwslaw.com
 10 ROBERT J. TYSON (SBN 187311)
 E-mail: rtyson@bwslaw.com
 11 BURKE, WILLIAMS & SORENSEN, LLP
 444 South Flower Street, Suite 2400
 12 Los Angeles, CA 90071-2953
 Tel: 213.236.0600; Fax: 213.236.2700

13 Attorneys for Defendant City of Burbank

14
 15
 16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 17 **COUNTY OF LOS ANGELES**

19 WILLIAM TAYLOR,
 20 Plaintiff,
 21 v.
 22 CITY OF BURBANK and DOES 1
 Through 100, Inclusive,
 23 Defendants.

Case No. BC 422252
 Assigned to: Hon. John L. Segal
**CITY OF BURBANK'S AUGMENTED
 EXPERT WITNESS DESIGNATION;
 DECLARATION OF RONALD F. FRANK**
 Action Filed: Sept. 22, 2009
 Trial Date: March 5, 2012

24
 25
 26 TO PLAINTIFF AND HIS ATTORNEY OF RECORD:
 27 PLEASE TAKE NOTICE THAT Defendant City of Burbank hereby submits its
 28 augmented expert witness designation and declaration for the trial in this action. The City lists

1 and identifies the following retained experts who are expected to give opinion testimony as set
2 forth in the attached Declaration of Ronald F. Frank:

- 3 1. David J. Weiner
4 Vavoulis, Weiner & McNulty, LLC
5 445 S. Figueroa Street, Suite 3700
6 Los Angeles, CA 90071
- 7 2. Jim Voge
8 3200 Bradford Circle
9 Cambria, CA 93428.

10 Defendant City of Burbank also designates and lists the following non-retained expert
11 who is a percipient witness but who may also give expert opinion testimony as well:

12 James M. Gardiner
13 James Gardiner Associates
14 320 Twin Ridge Dr.
15 San Luis Obispo, CA 93405

16 The experts listed herein will be made available for oral deposition pursuant to California
17 Code of Civil Procedure §2034.260, as provided in the attached Declaration of Ronald F. Frank.
18 Burbank reserves the right to elicit opinion testimony from any expert designated by plaintiff,
19 including both plaintiff's retained and non-retained experts.

20
21
22
23
24
25
26
27
28
Burke, Williams & Sorensen, LLP
Ronald F. Frank
Robert J. Tyson

By: 
Ronald F. Frank
Attorneys for Defendant City of Burbank,

1 6. Burbank is seeking leave of court to augment its expert designation by adding Jim
2 Voge as an expert witness for the defense. I am informed and believe that Mr. Voge is a career
3 law enforcement officer who currently works part time for the San Luis Obispo Sheriff's Office
4 in its Professional Standards Unit where he oversees personnel complaint investigations and
5 investigations of deputy-involved shootings. According to his professional resume, Mr. Voge
6 received his Master's degree in Criminal Justice from California State University, Los Angeles in
7 1999, his Bachelor's degree in Public Administration from California State University,
8 Dominguez Hills in 1981, and his Associate's degree in Police Science from Santa Monica
9 Community College in 1972.

10 7. According to his professional resume, Mr. Voge has extensive background and
11 experience in internal affairs investigations and their procedures, including responsibility as the
12 commanding officer of the Los Angeles Police Department's Internal Affair Group and its Force
13 Investigation Division. Mr. Voge is expected to testify to opinions regarding criminal and
14 administrative investigations of sworn officers who are alleged to have committed misconduct,
15 including specifically Gardiner Investigation #34 of the Plaintiff in the Burbank Police
16 Department IA under master no. 04-16-09-1, and related matters. Mr. Voge is also expected to
17 give opinions responding to those of Dr. Kim as to the 13 subjects listed in Plaintiff's expert
18 declaration, and the circumstances warranting the use of outside investigators or outside law firms
19 to assist in handling peace officer personnel investigations.

20 8. Mr. Voge has agreed to testify at trial in this matter and he will be sufficiently
21 familiar with the pending action to submit to a meaningful oral deposition concerning the specific
22 testimony, including any opinions and their bases, that Mr. Voge is expected to give at trial.
23 Burbank will make Mr. Voge available for deposition upon reasonable notice, and after the
24 deposition of Plaintiff's designated expert Paul Kim, as Mr. Voge is expected to critique the
25 opinions of Dr. Kim, and Plaintiff has the burden of proof.

26 9. Mr. Voge's fees for deposition and court testimony are \$250 per hour with a \$500
27 minimum. Mr. Voge's Professional Resume and Fee Schedule are attached as Exhibit B.

28 ///

LA #4845-5157-9406 v1

- 4 -

CITY OF BURBANK'S AUGMENTED EXPERT WITNESS DESIGNATION AND DECLARATION

1 10. To my knowledge, Mr. Voge has not yet prepared any discoverable reports or
2 writings within the contemplation of California Code of Civil Procedure § 2034.270, however, he
3 may prepare writings or exhibits before he testifies.

4 11. Defendant has previously identified James M. Gardiner as a percipient witness,
5 and also designated him as a non-retained expert witness in this action. Mr. Gardiner is the
6 principal of James Gardiner Associates, a firm which provides consulting on executive
7 management and personnel investigation to a significant number of cities in California and
8 beyond. Mr. Gardiner has over 30 years of law enforcement experience, including 15 years as the
9 Chief of Police for the City of San Luis Obispo and, prior to that, 17 years as a sworn officer up
10 to the rank of Captain at the Newport Beach Police Department. Mr. Gardiner has a bachelor's
11 degree in criminology in 1972 from California State University, Long Beach, and a master's
12 degree in management in 1981 from the University of Redlands.

13 12. Mr. Gardiner is expected to testify at trial, and if asked he may offer expert
14 opinions concerning the practices of the Burbank Police Department that were the subject of his
15 investigation and to testify regarding the opinions and reports (if any) of Plaintiff's police
16 practices expert regarding the same.

17 13. Mr. Gardiner has agreed to testify at trial in this matter and he will be sufficiently
18 familiar with the pending action to submit to a meaningful oral deposition concerning the specific
19 testimony, including any opinion and its basis, that Mr. Gardiner is expected to give at trial.
20 Defendants will make Mr. Gardiner available for further deposition upon reasonable notice, and
21 after the deposition of Plaintiff's designated expert(s) on the subject of police practices, as Mr.
22 Gardiner is expected to respond to certain expected opinions of Plaintiff's expert(s), if any, and
23 Plaintiff has the burden of proof.

24 14. Mr. Gardiner's fees for deposition and court testimony are \$140 per hour. Mr.
25 Gardiner's Curriculum Vitae and a fact sheet for James Gardiner Associates are attached as
26 Exhibit C.

27 15. To my knowledge, Mr. Gardiner has not prepared any discoverable expert reports
28 or writings within the contemplation of California Code of Civil Procedure § 2034.270.

1 However, Mr. Gardiner's investigation files have been turned over following the Court's granting
2 of plaintiff's *Pitchess* motion seeking the same, and he may prepare other writings or exhibits
3 before he testifies.

4 I declare under penalty of perjury that the foregoing is true and correct and that this
5 Declaration was executed on December 5, 2011 at Los Angeles, California.



6
7
8 Ronald F. Frank

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

VAVOULIS, WEINER & MCNULTY, LLC

Economic Analysis and Forensic Accounting

Reply To: Los Angeles Office

445 South Figueroa Street, Suite 3700
Los Angeles, CA 90071-1641
Phone: (213) 817-6600
Fax: (213) 817-6633
E-mail: info@vwmeconomics.com

Fresno Office

516 West Shaw Avenue, Suite 200
Fresno, CA 93704-2515
Phone: (559) 221-2627
Fax: (559) 221-2628

Professional Resume
David J. Weiner, M.B.A., AM
Senior Economist

EMPLOYMENT SUMMARY

2009-Present	Vavoulis, Weiner, & McNulty, LLC Los Angeles, California Economist and Principal
2004-2009	Vavoulis & Weiner, LLC Los Angeles, California Economist and Principal
1997 - 2004	West Coast Economics, LLC Los Angeles, California Economist and President - Economic analysis, forensic accounting and business valuation.
1984 - 1986 1990 - 1997	Brinton Economics, Inc. Los Angeles, California Senior Economist - Involved in research and analysis in support of litigation matters.
1988 - 1990	Deloitte & Touche (Formerly Touche Ross) Los Angeles, California Management Consulting Division Senior Consultant - Responsible for identifying problems and developing creative solutions within appropriate engagement context. Emphasized Retail and Capital Markets services.
1987	J. Walter Thompson New York, New York Account Manager

EDUCATION

The Wharton School, University of Pennsylvania,
Philadelphia, Pennsylvania
M.B.A., 1988
Marketing and Entrepreneurial Management

University of California, Berkeley,
Berkeley, California
B.S., With Honors, in Business Administration, 1983
Phi Beta Kappa, Beta Gamma Sigma
Economic Analysis and Policy and Marketing

PROFESSIONAL SOCIETIES

American Academy of Economic & Financial Experts
American Society of Appraisers (Accredited Member)
National Association for Business Economics
National Association of Forensic Economics
Institute of Business Appraisers, Inc.
Western Economic Association

VAVOULIS, WEINER & McNULTY, LLC*Economic Analysis and Forensic Accounting*

Reply To: Los Angeles Office

445 South Figueroa Street, Suite 3700

Los Angeles, CA 90071-1641

Phone: (213) 817-6600

Fax: (213) 817-6633

E-mail: info@vwmeconomics.com**Fresno Office**

516 West Shaw Avenue, Suite 200

Fresno, CA 93704-2515

Phone: (559) 221-2627

Fax: (559) 221-2628

Vavoulis, Weiner, & McNulty, LLC

<i>Case Analysis Fee:</i>	<i>\$350 per hour</i>
<i>Deposition Testimony Fee:</i>	<i>\$350 per hour</i>
<i>Court Testimony Fee:</i>	<i>\$350 per hour</i>
<i>Non-Refundable Designation Fee:</i>	<i>\$1,000</i>
<i>(To be paid in advance and credited towards total amount billed to case.)</i>	

Tax Identification Number: 20-0627168

EXHIBIT B

JAMES F. VOGUE
3200 Bradford Circle, Cambria, CA 93428
jimvogue@gmail.com h-805-203-5066 c-805-801-8245

RE'SUME'FOR JAMES F. VOGUE

PROFESSIONAL EXPERIENCE

- Thirty-five years of police experience with 18 years at the upper management level.
- Extensive experience in all facets of police work including patrol operations, narcotic enforcement, comprehensive follow-up investigations, and internal affairs.
- Approachable leader who possesses outstanding communication skills and is able to achieve solidarity and respect from divergent groups.

SUMMARY OF QUALIFICATIONS

SAN LUIS OBISPO COUNTY SHERIFF'S OFFICE 2011 – Present

Sheriff Commander

Professional Standards Unit

I am responsible for the creation and implementation of the new complaint policies and procedures for the Sheriff's Department. I am tasked with creating the new complaint form along with instructing personnel regarding personnel complaint investigations. I am responsible for the oversight of all personnel complaint and deputy-involved shooting investigations.

2007 – 2011

Instructor

**Harvey, Ward and Associates
Dallas, Texas**

I teach a 12-hour course titled "Officer-Involved Shootings and Use of Lethal Force by Police Officers." The course covers the response, investigation, presentation, and adjudication of these important incidents. I have taught this course throughout the United States.

JAMES F. VOGEL
3200 Bradford Circle, Cambria, CA 93428
jimvoegel@gmail.com h-805-203-5066 c-805-801-8245

LOS ANGELES POLICE DEPARTMENT
1972 to 2007

2006 – 2007

Internal Affairs Group

Police Commander
Commanding Officer

Responsible for the criminal and administrative investigations of all Department employees regarding allegations of misconduct. I ensured that all investigations seek the truth of the matter and that discipline is applied in an impartial and just manner. I was responsible for the review and evaluation of all Department discipline that exceeded 6000 investigations per year. I had line command over 278 sworn and civilian personnel.

2004 - 2006

Force Investigation Division

Police Captain III
Commanding Officer

Responsible for the criminal and administrative investigations of all Department employees' use of lethal force. Duties included liaison with the Police Commission's Inspector General, the Los Angeles District Attorney's Office, the Los Angeles Police Protective League (Police Union), and the Office of the Chief of Police. I had line command over 62 sworn and civilian personnel.

Notable Accomplishments

- Created a division tasked with investigating the criminal and administrative actions associated with all employees' use of lethal force. This division has become a national model for investigative effectiveness as noted by the Police Executive Research Forum.
- Developed an investigative protocol to protect the integrity of the criminal and administrative investigations associated with an employee's use of lethal force.
- Developed a unique presentation program to reenact the lethal force incident by the use of computer software within 72 hours of the event.
- Responsible for highly sensitive and publicized investigations including the Mexican Embassy shooting, the Devin Brown case, and the Suzy Pena death.

JAMES F. VOGUE
3200 Bradford Circle, Cambria, CA 93428
jimvogue@gmail.com h-805-203-5066 c-805-801-8245

2003- 2004 Internal Affairs – Special Operations Division

Police Captain II
Commanding Officer

Responsible for undercover integrity sting- audits, random and specific, of department personnel. Also responsible for surveillance of department personnel suspected of criminal activity. I had line command over 46 sworn and civilian personnel.

2003 Internal Affairs – Chief Investigator

Police Captain II
Commanding Officer

Responsible for criminal and administrative internal investigations of department personnel assigned to South, West, and Valley Bureaus. In addition, I was responsible for all investigations involving family violence. I had line command over 125 investigators.

Notable Accomplishments

- Eliminated a massive investigative backlog within 11 weeks by changing personnel assignments, added emphasis on backlog reduction, and personal involvement.
- Directed highly sensitive and publicized investigations including the arrest of a police captain for possession and sales of counterfeit DVD's; a police sergeant involved with dissemination of confidential information to a well known private investigator, and an undercover investigation and subsequent arrest of a department employee for sexual battery.

1999 - 2003 Narcotics Division

Police Captain II
Commanding Officer
Major Violators Section

Responsible for investigations of major traffickers, suppliers, and distributors of narcotics and dangerous drugs throughout the City of Los Angeles. Duties included

JAMES F. VOGUE
3200 Bradford Circle, Cambria, CA 93428
jimvogue@gmail.com h-805-203-5066 c-805-801-8245

coordinating with Federal and State task forces such as the High Intensity Drug Trafficking Area Task Force and the Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force. I was also responsible for drug and narcotics interdiction at the Los Angeles International Airport and the United States Post Office. I had line command over 136 sworn and civilian personnel.

Police Captain II
Commanding Officer
Field Enforcement Section

Responsible for investigations involving the sales, use, and distribution of narcotics and dangerous drugs at the street level throughout the City of Los Angeles. This assignment included the oversight of undercover buy programs and providing services to identified repressible crime locations. I had line command over 203 sworn and civilian personnel.

Notable Accomplishments

- Increased enforcement action while decreasing the amount of personnel complaints.
- Coordinated major narcotics investigations and seizures through the use of wire intercepts.
- Effectively managed citywide narcotics enforcement efforts despite diminishing personnel resources.

1998 – 1999 Continuing Education Division

Police Captain II
Commanding Officer

Responsible for the development, implementation, coordination, and delivery of in-service training for the 13,000 employees of the Los Angeles Police Department. I was responsible for ensuring the Department's compliance with regulatory and statutory training standards and mandates. Liaison with regulatory agencies and maintain oversight of the administration of Department training funds.

I had line responsibility over 114 sworn and civilian personnel, as well as functional supervision responsibility for 77 training coordinators. Continuing Education Division maintains four different training facilities throughout the City of Los Angeles.

JAMES F. VOGUE
3200 Bradford Circle, Cambria, CA 93428
jimvogue@gmail.com h-805-203-5066 c-805-801-8245

Notable Accomplishments

- Reorganized the Division emphasizing accountability through the chain of command.
- Redesigned Department schools to ensure realistic training.
- Implemented remodeling of the Police Academy.

1997 – 1998 Hollenbeck Community Police Station

Police Captain I
Commanding Officer
Operations Support Division

Responsible for coordinating all detective, gang suppression, and vice services within the Area. My staff included 105 sworn and civilian personnel.

Police Captain I
Commanding Officer
Patrol Division

Responsible for all patrol and gang suppression operations on the eastside of Los Angeles. I had line command over 256 sworn and civilian personnel.

Notable Accomplishments

- Developed and implemented a unique domestic abuse response team comprised of community members.
- Implemented the Hollenbeck Community Action Network that provided the community with a safe and confidential method of reporting suspicious and criminal activity.
- Directed an intense campaign against violent gang-related crimes by forming an efficient and effective gang detail.

1994 – 1997 Newton Community Police Station

Lieutenant II
Detective Commanding Officer

JAMES F. VOGEL
3200 Bradford Circle, Cambria, CA 93428
jimvoqe@gmail.com h-805-203-5066 c-805-801-8245

Responsible for all follow-up investigations in Newton Area. I had line command over 54 sworn and civilian personnel.

Notable Accomplishments

- Creation and implementation of the Community Action Network.
- Developed supervisors that reflected the cultural diversity of the community.
- Directed several high profile cases that included an attempt murder and rape of a kindergarten student at an elementary school; the murder of a mother and kidnapping of her nine-year-old daughter; and, the kidnapping of a one-year-old baby from the DPSS office.

1991– 1994 Commission Investigation Division

Lieutenant II
Commanding Officer

Responsible for the regulatory control of all entities required to possess Police Commission permits. I had line command responsibility for 45 sworn and civilian personnel.

Notable Accomplishments

- Creation of a business-friendly permit application process to prevent the unethical practices of “facilitators” who prey on new arrivals in this country.
- Directed public service campaigns regarding unethical police solicitors and bandit tow trucks.

1991	Central Division, Administrative Lieutenant
1990	Newton Division, Lieutenant Watch Commander
1990	Hollywood Division, Vice Sergeant
1985	Internal Affairs Division, Complaint Investigator, Surveillance Squad Leader
1982	Southeast Division, Patrol Sergeant, Complaint Sergeant, Assistant Watch Commander
1981	Newton Division, Patrol Sergeant
1978	77th Street Division, Training Officer, Gang Enforcement Officer, and Vice Investigator
1975	Southwest Division, Training Officer, Gang Enforcement Officer

JAMES F. VOGUE
3200 Bradford Circle, Cambria, CA 93428
jimvogue@gmail.com h-805-203-5066 c-805-801-8245

1973 **Venice Division, Patrol Officer**
1972 **Los Angeles Police Academy**

1974 – 1975 ASPEN POLICE DEPARTMENT, Colorado

Patrol Officer

After serving 16 months with the Los Angeles Police Department I accepted a position with the Aspen Police Department where I served as a patrol officer for one year. I then returned to Los Angeles and was reinstated in 1975.

EDUCATION

1999 Master of Science – Criminal Justice
California State University, Los Angeles

1998 Los Angeles Police Department
Command Development School

1995 Federal Bureau of Investigation
National Academy, Class 181

1981 Bachelor of Science – Public Administration
California State University, Dominguez Hills

1972 Associate of Arts Degree – Police Science
Santa Monica Community College

PROFESSIONAL ORGANIZATIONS

International Association of Chiefs of Police
Los Angeles Police / Fire Retirement Association
FBI National Academy Associates
Peace Officers Association of Los Angeles County

JAMES F. VOGEL
3200 Bradford Circle, Cambria, CA 93428
jimvoegel@gmail.com h-805-203-5066 c-805-801-8245

P.O.S.T. CERTIFICATIONS

P.O.S.T. Certificates: Basic, Intermediate, Advanced, Supervisory and Management.

TEACHING EXPERIENCE

Los Angeles Police Department – Command Development School
“Employee Deaths – Commanding Officer Responsibilities”
1998 to 2007.

Los Angeles Police Department – Operation Support Division Commanding
Officer School “Commanding Officer Responsibilities” 1998 to 1999.

Los Angeles Police Department – Sergeants School
“Effective Oral Communication” 1998 to 2004.

International Association of Chiefs of Police
“Managing an Officer-Involved Shooting” – Miami Conference 2005

Los Angeles Police Department – Supervisors School
“Managing an Officer-Involved Shooting” 2005 to Present.

Los Angeles Police Department – Watch Commanders School
“Managing an Officer-Involved Shooting” 2005 to 2007.

Instruction at the 2006 Missouri Homicide Association

Instruction at the 2007 Toronto Internal Affairs Conference

In addition, I have taught a 12-hour course titled “Officer-Involved Shootings and Lethal Use of Force by Police Officers” for Harvey, Ward, and Associates in the following cities: Detroit, MI, St. Louis, MO, Highlands Ranch, CO, Dane County, WI, Bay City, MI, Florence, AL, Dearborn, MI, Little Rock, TN, Charlotte, MI, and Middletown, CT.

San Luis Obispo County Sheriff's Office - CA POST certified 8 hour class titled “Officer-Involved Shootings and Lethal Use of Force by Police Officers”

Public Agency Training Council Class Adjudication of Use of Force and Establishing and Internal Affairs Unit

JAMES F. VOGUE
3200 Bradford Circle, Cambria, CA 93428
jimvogue@gmail.com h-805-203-5066 c-805-801-8245

REFERENCES: Furnished upon request.

From the desk of
James F. Voge
3200 Bradford Circle
Cambria, CA 93428
(805) 203-5066
(805) 801-8245
jimvoge@gmail.com

November 29, 2011

Ronald F. Frank, Partner
BURKE, WILLIAMS & SORENSEN, LLP
444 South Flower Street
Suite 2400
Los Angeles, CA

Dear Mr. Frank,

Thank you for your consideration in hiring me as an expert witness. I have a vast amount of experience in internal discipline. During eight of my 35 years of law enforcement, I have been assigned to Internal Affairs / Professional Standards as an investigator, and a commanding officer, both at the captain and commander rank. When I retired from the Los Angeles Police Department in August of 2007, I was the commanding officer of Internal Affairs Group. I have also spent a considerable amount of time in the adjudication of discipline as the employee's commanding officer or sitting on a Board of Rights. I have currently created the Professional Standards Unit of the San Luis Obispo County Sheriff's Office and am employed as a Sheriff's Commander of that unit.

Fee:

- \$225 per hour research, analysis, and deposition / trial preparation
- \$250 per hour deposition or trial (minimum \$500)
- No retainer, no hourly travel fee except reasonable expenses associated with the travel
- If you send documents electronically, reasonable photocopying fee

If you have any questions, please contact me at (805)203-5066 (h), (805) 801-8245 (c), or at the above email address.

Sincerely,

Jim Voge

EXHIBIT C

JAMES M. GARDINER

320 Twin Ridge Dr.
San Luis Obispo, CA 93405
805.550.6406
jgachief@charter.net

SUMMARY

Progressive, innovative leader with 29 years experience in executive, managerial, and supervisory leadership.
Demonstrated ability to build effective organizations and work groups.
Proven consensus builder with strength in developing collaborative partnerships.
Effective planning and organizational skills.
Possess effective presentation, verbal and written communication skills.
An experienced team player, bringing enthusiasm and energy into group efforts.
A community leader with demonstrated ability to work with elected officials, business leaders, and community groups.

EXPERIENCE**JAMES GARDINER ASSOCIATES**

2002 - present

Principal/Owner of consulting and investigations business. Work has included investigations in both the public and private sector. Consulting work has included organizational audits and executive recruitment.

Clients have included the cities of Grover Beach, Fresno, El Cajon, Modesto, Manhattan Beach, Hermosa Beach, Carmel by the Sea, Santa Monica, Davis, Brentwood, Costa Mesa, Bishop, Eugene OR., San Luis Ambulance Service, private sector business, and local attorneys.

CITY OF SAN LUIS OBISPO

1987 - 2002

San Luis Obispo, California

Chief of Police

Chief Executive for 90 full-time and 25 part-time/volunteer employees.

CITY OF NEWPORT BEACH

1970 - 1987

Newport Beach, California

Captain

1981 - 1987

Lieutenant

1978 - 1981

Sergeant

1973 - 1978

Officer

1970 - 1973

EDUCATION AND TRAINING

M.A. in Management, University of Redlands - 1981

B.S. in Criminology, California State University Long Beach - 1972

Law Enforcement Command College, Commission on P.O.S.T. - 1987

FBI National Academy, Virginia - 1982

PROFESSIONAL LEADERSHIP POSITIONS

President, California Peace Officers Association - 1998

Chairman, SLO County Criminal Justice Administrators' Association - 1991

Chairman, SLO County Narcotics Task Force - 1997-1998

Board member, California Police Chiefs' Association

COMMUNITY LEADERSHIP POSITIONS

Prado Day Center Major Campaign Chair 2004-2005

United Way, Campaign Chair 2002-03. Board member 1996-2002

Law Enforcement Torch Run for Special Olympics, Director 1988 to 2003

Cal Poly Ambassadors for Higher Education - Charter member

Sierra Vista Medical Center, Governing Board 2002 to 2008

Charitable Auctioneer for over 15 non-profit organizations

RECOGNITIONS

2002 Citizens of the Year (with spouse), SLO Chamber of Commerce

2001 Inducted into International Law Enforcement Torch Run Hall of Fame

2000 Special Olympics Hero, Special Olympics International Award

1997 California All-Star Dad, California Department of Social Services

1995 Community Service Award, California Parks & Recreation Society

1993 Micki Rainey Memorial Award, California Peace Officers Association

1993 Community Person of the Year, Congregation Beth David

1993 State Adult Volunteer of the Year, California Special Olympics

1993 Humanitarian of the Year, United Way of SLO County

James Gardiner Associates

EXECUTIVE MANAGEMENT AND PERSONNEL INVESTIGATIONS

FACT SHEET

BSIS P.I. Lic No 23846
320 Twin Ridge
San Luis Obispo, CA 93405

P: 805.550.6406
F: 805.541.6880

jpgachief@charter.net
www.jamesgardinerassociates.com

James Gardiner is the owner/principal of James Gardiner Associates (JGA), a consulting firm with proven credentials in both executive management and personnel investigations. A licensed private investigator, James Gardiner has devoted more than 34 years to law enforcement, including over 14 years as the police chief for a progressive California city.

JGA offers discreet and expert service for businesses and public organizations. Professional services include site visits, personal interviews, interpersonal and professional assessments, and credit and background checks.

James Gardiner is a skilled senior executive who understands the demands and challenges of day-to-day operations. His extensive network of law enforcement contacts, partnered with outstanding management skills, makes his firm ideally suited to assist with sensitive personnel and operations issues.

Experience and Qualifications

- 34 years service with the Los Angeles, Newport Beach and San Luis Obispo police departments
- Managed 90 full-time and 25 part-time employees as Police Chief for San Luis Obispo
- Clients include the California cities of Anaheim, Arroyo Grande, Atascadero, Bishop, Brentwood, Burbank, Carmel, Costa Mesa, Davis, El Cajon, Fairfield, Fowler, Fresno, Galt, Glendale, Grover Beach, Half Moon Bay, Hermosa Beach, La Mesa, Manhattan Beach, Modesto, Oakland, Redlands, Santa Monica, Truckee, Union City, and Visalia. Out of state clients include and Apache Junction, AZ, Casa Grande, AZ, Eugene, OR, and Hillsboro, OR. Governmental agencies include the Los Angeles Housing Authority, Santa Monica College, County of Santa Barbara, Oceano Community Services District, and the California Commission on Peace Officers Standards and Training.

Education and Training

- Master's degree in management, University of Redlands – 1981
- Bachelor's degree in criminology, CSU Long Beach – 1972
- Law Enforcement Command College, Commission on P.O.S.T – 1987
- FBI National Academy, Virginia – 1982

Professional Leadership Experience

- President, California Peace Officers Association – 1998
- Chairman, SLO County Criminal Justice Administrators Association – 1991
- Chairman, SLO County Narcotics Task Force – 1997-98
- Board member, California Police Chiefs Association
- Course coordinator and Instructor, CPCA "Role of the Chief" 1995 to present

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 444 South Flower Street, Suite 2400, Los Angeles, California 90071-2953. On December 5, 2011, I served a copy of the within document(s): **CITY OF BURBANK'S SUPPLEMENTAL EXPERT WITNESS DESIGNATION; DECLARATION OF ROBERT J. TYSON**

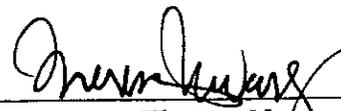
- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- by placing the document(s) listed above in a sealed _____ envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a _____ agent for delivery.
- by electronically sending a pdf copy of the document(s) listed above to the E-mail address(es) set forth below on this date before 5:00 p.m.

SEE ATTACHED SERVICE LIST

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 5, 2011, at Los Angeles, California.



Theresa Nevarez

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 444 South Flower Street, Suite 2400, Los Angeles, California 90071-2953. On December 5, 2011, I served a copy of the within document(s): **CITY OF BURBANK'S SUPPLEMENTAL EXPERT WITNESS DESIGNATION; DECLARATION OF ROBERT J. TYSON**

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- by placing the document(s) listed above in a sealed _____ envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a _____ agent for delivery.
- by electronically sending a pdf copy of the document(s) listed above to the E-mail address(es) set forth below on this date before 5:00 p.m.

SEE ATTACHED SERVICE LIST

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 5, 2011, at Los Angeles, California.



Theresa Nevarez

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SERVICE LIST
Taylor v. City of Burbank, et al.
LASC Case No. BC422252

Gregory W. Smith, Esq.
Law Offices of Gregory W. Smith
9100 Wilshire Boulevard, Suite 345E
Beverly Hills, CA 90212
Telephone: (310) 777-7894
Facsimile: (310) 777-7895
E-mail: sfrancia@gwslegal.com

Christopher Brizzolara, Esq.
1528 16th Street
Santa Monica, CA 90404
Telephone: (310) 394-6447
Facsimile: (310) 656-7701
E-mail: samorai@surfcity.net

Linda Miller Savitt, Esq.
Philip L. Reznik, Esq.
Ballard Rosenberg Golper & Savitt, LLP
500 North Brand Boulevard, 20th Floor
Glendale, CA 91203-9946
E-mail: lsavitt@brgslaw.com

Amelia Ann Albano, City Attorney
Carol A. Humiston, Sr. Asst. City Attorney
275 East Olive Avenue
Post Office Box 6459
Burbank, CA 91510
Telephone: (818) 238-5707
Facsimile: (818) 238-5724
E-mail: chumiston@ci.burbank.ca.us